

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No. 852 of 2003

For Approval and Signature:

THE HON'BLE MR.JUSTICE A.R.DAVE

HON'BLE MR. JUSTICE MD SHAH

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1 Whether Reporters of Local Papers may be allowed to
see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

Whether this case involves a substantial question
4 of law as to the interpretation of the constitution
of India, 1950 of any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Petitioner(s)
Versus
ASHOK RATUJI THAKOR - Respondent(s)

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Appearance :

PUBLIC PROSECUTOR for Petitioner No(s).: 1.

None for Respondent No(s).: 1.

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CORAM :THE HON'BLE MR.JUSTICE A.R.DAVE
HON'BLE MR. JUSTICE MD SHAH

Date : 22/06/2005

ORAL JUDGMENT

(Per : THE HON'BLE MR.JUSTICE A.R.DAVE)

1. Being aggrieved by the judgment and order dated 4th April, 2003 passed in Sessions Case no.15 of 1999 by the learned Additional Sessions Judge (Fast Track Court), Deesa, this acquittal appeal has been filed by the State of Gujarat.
2. The accused was charged under the provisions of Sections 363, 366 and 376 of the Indian Penal Code.
3. We have heard the learned A.P.P. and have also perused copies of the evidence adduced before the trial Court.
4. Upon hearing the learned Counsel and upon perusal of the copies of the evidence, we do not find any case in this appeal because it has been recorded by the trial Court on the basis of the evidence adduced that girl Bhavna who was alleged to have been kidnapped by the accused had stated that, in fact, she had married the accused and had stayed with the accused for about a month and a half and she was absolutely free and there was no wrongful confinement of the accused. She has also deposed that whenever the accused was going out of the house for his work, she was free to go out and, in fact, upon completion of the household work, she used to go out and visit her relatives. She had never made any complaint with regard to the alleged offence to any other

person whom she had met during the said period.

5. It is also pertinent to note that the complainant could not establish that Bhavna was minor.
6. Upon going through the aforesaid evidence, we are of the view that the accused could not have been convicted on the basis of the evidence adduced before the trial Court.
7. We see no infirmity in the judgment delivered by the trial Court, and, therefore, we dismiss the appeal.

(A.R.Dave,J.) (M.D.Shah,J.)

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